available of cases in respect of overcharging the prices of bulk drugs and formulations which came to the notice of the Government after promulgation of DPCO, 1987 upto 15th February, 1992 were given in the Statement annexed to reply to Rajya Sabha Unstarred Question No. 418 answered on 27th February, 1992. Thereafter some general complaints of overcharging of the prices of bulk drugs Tricopy to concerned State Drug Controllers. After receipt of replies appropriate action would be taken as per the due process of law. The liability of overcharging has been worked out only in few cases, as some companies are yet to submit complete data to the Government and in other cases the examination and processing is at different stages.

Review of Drug Policy

379. SHRIMATI SATYA BAHIN:
SHRI H. HANUMANTHAPPA:

Will the PRIME MINISTER be pleased to refer to the answer to Unstarred Question 1175 given in Rajya Sabha on 5-3-92

(a) whether the review of Drug Policy after three to five years has resulted in hiding ommissions and commissions of concenned officials;

(b) whether it is a fact that in the guise of review neither the recommendations of the Kelkar Committee accepted earlier have been implemented nor any thing is going to come out of it;

(c) whether it is a fact that total imports by drug companies are neither being monitored nor they are being used while granting industrial licences;

(d) whether it is a fact that due to this imports have gone up and domestic production has declined;

(e) whether Government propose to appoint any Committee of Members of Parliament to make study of all these issues; and

(f) if so, what are the details thereof and if not, what and the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI CHINTA MOHAN): (a) The review of Drug Policy is necessiated by the changes that take place over the years in the industrial and economic situation. The present review is yet to be complete.

(b) No, Sir. The recommendations of the Kelkar Committee, as accepted by the Government, are incorporated in Drugs (Price Control) Order, 1987 and currently prices are fixed under the said Order.

(c) and (d) Industial ilicences are granted keeping in view various factors such as the provisions of the Drug and Industrial Policies, policy on location etc. The production of bulk drugs and formulations have registered overall increase every year. Simultaneously, there has been an incrase in the imports also.

(c) No, Sir.

(f) Does not arise.

Unreasonable price increase of medicines

380. SHRI H. HANUMANTHAPPA: Will the PRIME MINISTER be pleased to refer to the answer to Unstarred Question 398 given in the Rajya Sabha on the 26th March, 1992 and state:

(a) what are the basis of determining of the price increase or MAPE charged on price decontrolled formulation is unreasonable;

(b) what is the percentage of price increase or percentage of MAPE over ex-factory cost which invites action from his Ministry;

(c) what are the reasons for which the system has been made personalised and arbitrary particularly when the manufacturers are not submitting data;

(d) what are the reasons for which the limits of MAPE or price increase are not made public to make the system esponsive; and

(e) what was the total number of companies which submitted break up to his

Ministry before the increase of prices of price decontrol medicines during 1991-92 and how many break ups were examined and prices found justified?

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI CHINTA MOHAN): (a), (b) and (d) Being price decontrolled, no limit on price increase or MAPE charged has been announced. Monitoring is done on price increases on the basis of available data and internal guidelines to keep prices within reasonable limits.

(c) It is not correct to say that the system is personalised and arbitrary. Instances warranting intervention come to the notice of the Government not only from the information submitted by the companies in various forms prescribed in DPCO, 1987, but also from the data available from other sources. Companies, thereafter, are asked to submit the required information if it has not submitted the same in normal course.

(e) Decontrolled medicines and their pack sizes being very large in number, the time and labour involved in the collection and compilation of this voluminous information will not be commensurate with the results likely to be achieved.

Time for submitting data by drug company

381. SHRI H. HANUMANTHAPPA: Will the PRIME MINISTER be pleased to refer to the answer to Unstarred Question 413 given in Rajya Sabha on the 27th February, 1992 and state:

(a) whether in the Bombay High Court order dated the 8th March, 1991, time for the company to submit all the data was envisaged;

(b) whether it is a fact that hearing was also to be given within a specified time thereafter;

(c) if so, what was the directive in this regard;

(d) if the company has not given the details why the matter has not been reported to the High Court and liberty taken to recover the amount without any further hearing;

(e) whether the liability of Rs. 77.81 crores includes this liability; and

(f) what steps Government have taken to fix up the responsibility of bureaucrats for delay in recovery of the amount involved even in accordance with the court order?

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI CHINTA MOHAN): (a) Yes, Sir.

(b) to (f) As submitted in reply to Unstarred Question No. 413 answered on 27th February, 1992, the hearing was proposed to be given to the company in the last week of March, 1992. The company has, however, submitted a detailed representation which is under examination. The tentative liability of Rs. 77.81 crores communicated earlier to the company does not take into account the impact of the data yet to be received from the company. All efforts are being made to expedite the entire process of consideration, hearing and passing of speaking orders in this case.

Cases of recovery into the Drug Price Equalisation Account

382. SHRI SANTOSH KUMAR SAHU: Will the PRIME MINISTER be pleased to refer to the answer to unstarred question 1157 given in Rajya Sabha on 5th March, 1992 and state:

(a) what are the details of cases of recovery into the DPEA where companies have been informed that if they do not pay the amounts due, their cases would be referred for recovery as arrears of land revenue through the Collector concerned;

(b) when was each such communication sent what is the response from each company;

(c) whether it is a fact that officials of his Ministry are giving hearings to the companies and are advising them not to pay the amount due; and

(d) what steps Government propose to take to investigate the whole able matter and by when?